

April 6, 2014

BY FACSIMILE (212-805-6737) AND ECF

The Honorable George B. Daniels  
United States District Judge  
United States District Court  
for the Southern District of New York  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street  
New York, NY 10007

Re: *Mitre Sports International Limited v. Home Box Office, Inc.*, No. 08-CV-9117

Dear Judge Daniels:

Undersigned counsel represent the plaintiff and defendant in the above-captioned case, Mitre Sports International Limited (“Mitre”) and Home Box Office, Inc. (“HBO”).

We write jointly to follow up on an issue raised with the Court at the April 1, 2015 pretrial conference: the timing of presenting to the Court for resolution final objections to each party’s video deposition designations and counter-designations. At the conference, the Court directed the parties to provide the final objections as soon as possible. The parties will do this, and propose that they do so on a rolling basis.

Mitre has designated (and HBO has counter-designated) 22 video depositions in its case in chief. HBO has designated (and Mitre has counter-designated) 32 video depositions. Because the parties have each affirmatively designated eight of the depositions, the total number of video depositions is 46. This number will decrease to the extent that witnesses identified as “live or by deposition” testify live. The parties have worked out among themselves a procedure for exchanging the final reduced designations and objections for each deposition prior to presenting each set of final objections to the Court. The parties propose to provide to the Court the final objections for each deposition on a rolling basis as early as possible, and in no event later than 9:00 a.m. one day prior to the anticipated playing of the deposition to the jury.

By presenting to the Court the final objections for each deposition on a rolling basis, the parties believe that they will save the Court and the parties time and resources, for the following reasons:

1. As the trial progresses, each party may determine that it can eliminate particular depositions in their entirety, thus obviating any need for the Court to address any objections as to those depositions.
2. As the trial progresses, each party may determine that it can eliminate portions of other depositions, thus reducing the number of objections that the Court will need to address as to those depositions.

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3. Once the Court has ruled on the objections to the initial depositions presented to it, the parties will then have guidance that will help them reduce on their own the number of objections to each deposition's designations, further reducing the number of objections that the Court would have to resolve.

The parties are available at the Court's convenience to answer any questions about this proposal.

Respectfully submitted,

/s/ Lloyd Constantine

Lloyd Constantine  
CONSTANTINE CANNON LLP  
335 Madison Avenue, 9th Floor  
New York, NY 10017  
Tel: (212) 350-2700

*Counsel for Plaintiff*

/s/ Kevin T. Baine

Kevin T. Baine  
WILLIAMS & CONNOLLY LLP  
725 12th Street, NW  
Washington, DC 20005  
Tel: (202) 434-5000

*Counsel for Defendant*

cc: The Honorable Henry B. Pitman (by facsimile)